

# **Decision Record - Memorandum**

**Prepared by**  
**U.S. Department of the Interior**  
**Bureau of Land Management**

,

This page intentionally  
left blank

# Table of Contents

<b>1. Annual Wildlife Water Development Inspection, Maintenance, and Repair FY 2016 .....</b>	<b>1</b>
1.1. Introduction .....	1
1.2. Rationale .....	1
1.3. Mitigation Measures and Reporting Requirements .....	1
1.4. Finding .....	2
1.5. Appeal or Protest Opportunities .....	2
1.6. Approval from Authorized Official: .....	2

This page intentionally  
left blank

# **Chapter 1. Annual Wildlife Water Development Inspection, Maintenance, and Repair FY 2016**

*DOI-BLM-NV-S010-2015-0074-DNA*

This page intentionally  
left blank

## 1.1. Introduction

The Bureau of Land Management (BLM) will authorize the Nevada Department of Wildlife (NDOW) to carry out annual inspection, maintenance, and repair of four wildlife water developments in three wilderness areas on the Southern Nevada District. This proposed action is described in the Determination of NEPA Adequacy (DNA) document DOI-BLM-NV-S010-2015-0074-DNA.

## 1.2. Rationale

1. The decision of the current proposed action is consistent with the Las Vegas Resource Management Plan (RMP) Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) (1998) as well as the Sloan Canyon National Conservation Area ROD for the Approved RMP/EIS (2006). The proposed action is needed to ensure the maintenance and restoration of wildlife populations and habitats in Nevada, while protecting the wilderness resource. The wildlife water developments are located across a wide expanse and inspection, maintenance, and repairs are typically executed as a regional grouping and within a limited time frame. The proposed action represents the minimum necessary to efficiently and effectively complete activities within all three wilderness areas given the locations and timing constraints.
2. The current proposed action is the same as an alternative analyzed in the existing Environmental Assessment (EA) document DOI-BLM-NV-L030-2012-0003-EA. This EA was jointly developed between the BLM Ely District and Southern Nevada District and is within the same analysis area.
3. EA document DOI-BLM-NV-L030-2012-0003-EA analyzed a range of alternatives. Those alternatives are appropriate with respect to the current proposed action and any new information or circumstances would not substantially change the analysis of the new proposed action.
4. Direct, indirect, and cumulative effects that will result from implementation of the new proposed actions are similar (both quantitatively and qualitatively) to those analyzed in DOI-BLM-NV-L030-2012-0003-EA. Public involvement and interagency review associated with the EA is adequate for the current proposed action.

## 1.3. Mitigation Measures and Reporting Requirements

Mitigation and reporting have been provided for in the current proposed action as described in the attached DNA. All recommended mitigation measures shall become stipulation and shall be implemented to reduce impacts. Proponents must submit an “Annual Water Development Activities Report” in accordance with BLM-NDOW Memorandum of Understanding (2012). Additional applicable reporting requirements as described in the proposed action shall be submitted to the District Manager by December 1<sup>st</sup> of each year for the previous State of Nevada fiscal year (i.e., July 1<sup>st</sup> through June 30<sup>th</sup>).

## 1.4. Finding

Based on the EA document DOI-BLM-NV-L030-2012-0003-EA, which includes a Finding of No Significant Impact and the attached DNA document DOI-BLM-NV-S010-2015-0074-DNA, I have determined that the aforementioned EA is adequate, and that the impacts are not expected to be significant.

## 1.5. Appeal or Protest Opportunities

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office within 30 days of the decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the IBLA and appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

### Standards for obtaining a stay

Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted, and;
4. Whether the public interest favors granting a stay.

## 1.6. Approval from Authorized Official:

Recommended by:

/s/

5/11/2015

\_\_\_\_\_  
Gayle Marrs-Smith  
Field Manager, Las Vegas Field Office

\_\_\_\_\_  
Date

/s/

5/7/2015

\_\_\_\_\_  
Mark Spencer  
Field Manager, Red Rock/Sloan Field Office

\_\_\_\_\_  
Date

Approved by:

*Chapter 1 Annual Wildlife Water Development  
Inspection, Maintenance, and Repair FY 2016  
Finding*



/s/

5/14/2015

\_\_\_\_\_  
Timothy Z. Smith  
District Manager, Southern Nevada District

\_\_\_\_\_  
Date